



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 40-560
Regulation Title:	Monthly Reporting in the Food Stamp Program
Action Title:	Repeal of the Regulation
Date:	October 16, 2001

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package .

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

This action repeals the regulation that identified the households that must receive and file monthly report forms for the Food Stamp Program. Federal regulations and the Food Stamp Act of 1977, as amended, previously mandated that almost all recipient households must receive, complete, and return a report form each month.

In 1990, Congress enacted legislation that allowed monthly reporting to be optional for State agencies. At the point that monthly reporting became a state option, the Department opted to align the food stamp reporting requirement with the cash assistance program, the Aid to Families with Dependent Children (AFDC) Program. This alignment resulted in monthly report forms being sent only to those households that were required to submit the forms for the AFDC program. Monthly reporting ceased for the AFDC program in 1991 and this termination resulted in the termination of monthly reporting in the Food Stamp Program.

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

There are no changes to the proposed regulations.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The State Board of Social Services approved repeal of this regulation on October 16, 2001.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law

§2015 of the Food Stamp Act of 1977, as amended, and regulations at Title 7 of the Code of Federal Regulations at §273.21(b) allow that monthly reporting is a state option. The federal regulations further allow that if monthly reporting exists, certain households are excluded from the requirement. §63.1-25.2 of the Code of Virginia, as amended, grants the State Board of Social Services the authority to operate the public social services programs, including the Food Stamp Program.

The Virginia Attorney General's office certified that the Department has the authority to promulgate the proposed action to repeal the regulation and that the proposal comports with applicable laws.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The regulation defined which households received monthly report forms. The regulation limited monthly reporting to households that also received public assistance benefits from the Aid to Families with Dependent Children Program. Monthly reporting in the Aid to Families with Dependent Children Program stopped in 1991 and the Department repealed the associated regulation in 1992.

The repeal of the regulation will provide an accurate regulatory reflection of the administration of the Food Stamp Program in Virginia.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

There are no substantive changes or provisions. The Department is repealing the regulation.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

Food stamp households must report changes in their circumstances because changes could alter the amount of benefits households receive or change eligibility for benefits. The general period a household has for reporting changes is ten calendar days from the time changes occur. Monthly reporting was a federal requirement that set specific standards for food stamp recipients to follow for submitting reports of household circumstances each month whether or not changes occurred in the households' circumstances.

The issuance, receipt and evaluation of thousands of monthly report forms made for a costly and time-consuming process for state and local offices. The state office mailed the forms and provided stamped envelopes for the return of the forms. Local agency staff evaluated the returned forms for completeness or determined whether the forms were returned or returned timely. The evaluation of the monthly report forms required a case review for all cases regardless of whether changes occurred in household circumstances.

In 1990, monthly reporting became a state option for the Food Stamp Program. The Department modified the monthly reporting procedures by limiting the reporting requirement to households that met the reporting requirements of the cash assistance program. When the cash assistance program terminated the monthly reporting requirement, that termination ended monthly reporting for food stamps.

The Department determined that the benefits for monthly reporting were minimal compared to the financial costs and ineffective usage of time by food stamp recipients and by local agency staff. The Department determined the need for the regulation's repeal during the periodic review.

The repeal of the regulation provides no advantage or disadvantage to recipients. Recipients must continue to notify local agency workers about changes in their circumstances as the changes occur. Recipients do not have to report unchanged information.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

The Department received no comments during the public comment period.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

There are no changes from the proposed stage. This action repeals the regulation.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The repeal of the regulation allows food stamp recipient households to report changes in their circumstances when the changes occur instead of being required to file a written report each month whether changes exist or not. This action does permit households to be responsible for reporting changes. The amount of food stamp benefits a household receives is often dependent on whether the household reports changes timely to the local agency and as such, this may impact the amount of disposable income a family has.

The regulatory action does not alter relations between parents and their children nor does this impact marital commitment.